

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,	:	<b><u>DEFENDANT'S PROPOSED</u></b>
	:	<b><u>FOR THE COURT'S GENERAL</u></b>
	:	<b><u>VOIRDIRE OF THE JURY</u></b>
	:	
-against-	:	<b>07 Cr 1081 (PAC)</b>
	:	
DEAN JONES,	:	
	:	
<b>Defendant.</b>	:	

The defendant, Dean Jones, by and through his counsel, Julie A. Clark, requests, pursuant to Rule 24(a) of the Federal Rules of Criminal Procedure, that the Court include the attached questions in its general voir dire of the jurors so that the defense may effectively exercise its challenges for cause and its peremptory challenges.

**VOIR DIRE QUESTIONS**

1. A fundamental principle of our legal system is that when a person is charged with a criminal offense, he is presumed to be innocent unless the government proves guilt beyond a reasonable doubt. Mr. Jones does not need to produce any evidence whatsoever to prove his innocence. If you are selected as a juror in this case, how many of you will have difficulty applying this rule of law?
2. How many of you now have any opinion as to Mr. Jones guilt or innocence?
3. How many of you believe that because Mr. Jones was arrested and charged with a crime, that he is probably guilty of something?
4. How many of you feel that you might have some difficulty presuming that Mr. Jones is innocent of the charges against him in this case?
5. The government may call the following witnesses: (the government's witness list is read to the jury).

6. Mr. Jones is presumed innocent of the charges against him, and has no obligation to call any witnesses.
7. Do any of you know any of the people whose names I have read?
8. This case will involve testimony regarding the following locations:  
-v/o West Tremont Avenue and West 117<sup>th</sup> Avenue, Bronx, NY

Are you familiar with this area of Bronx

If yes, please explain how you are familiar with it.

- (b) Do any of you (or your family or close friends) live or work at or near this location?  
  
Or, is there any other reason why you have a particular familiarity with this location?
- (c) If you answered yes to questions (a) or (b), is there anything about your familiarity with the area that would make it difficult for you to render a fair and impartial verdict based solely on the evidence presented at trial?
9. Were you ever in the military? If so,
  - (b) What branch?
  - (c) What was the highest rank you achieved?
  - (d) Did you serve in the military police?
  - (e) Any service in court martials as defense attorney, prosecutor or investigator?
  - (f) Year of discharge from the military?
10. Have you, a family member or close friend ever worked or applied for a position in a police department, any state or federal law enforcement agency, the United States Attorney's Office or a District Attorney's Office?  
  
If so, when, where and what agency?
11. Are you , or do you have any family members or close friends, who are judges, law clerks, court attendants, court clerks, court personnel,

probation officers, or personal connected with any correctional institution, jail or penitentiary?

12. Have you, a family member, or close friend ever worked for or does business with a government agency aside from law enforcement?
13. Have you, a family member, or close friend ever taken any courses or worked in the fields of drug abuse counseling, law, criminal justice, criminology, or other related areas?

If yes, please list the courses or job experience.

14. Have you, a family member or a close friend ever worked for a criminal lawyer or private investigator?
15. Have you, a family member, or close friend ever attended law school in the area of criminal defense or prosecution?

(b) Do you have any opinions about lawyers that would make it difficult for you to render a fair and impartial verdict?

16. Please list any civic, social, political or professional organizations to which you belong?

17. Have you ever been:

- (a) A juror in a civil case?
- (b) A grand juror?
- (c) A juror in a criminal case?
- (d) If so, did you reach a verdict in those cases that you served as a criminal or civil juror?

18. Have you ever filed a complaint with the police against anyone?

If yes, please describe.

19. Have you, a family member or close friend ever been a witness to or victim of a crime?

If yes, please explain:

- (a) Was the crime reported to the police or other law enforcement agency?

- (b) Did law enforcement respond appropriately?
  - (c) Were you, your friend or relative called to testify?
  - (d) Is there anything about this experience which would make it difficult for you to evaluate the evidence here fairly and impartially?
20. Have you ever testified or appeared as a witness in any investigation or legal proceeding?
- If so, please explain.
21. Have any of you, any members of your immediate family, or friends known anyone who used or was addicted to drugs? If so, please state:
- (a) who?
  - (b) What is their relationship to you?
  - (c) Would that fact affect your judgment in this case?
22. Every defendant is presumed innocent and cannot be convicted unless the jury, unanimously and based solely on the evidence in this case, decides that his guilt has been proven beyond a reasonable doubt. The burden of proving guilt rest entirely with the government. The defendant has no burden of proof at all.
- Would you have any difficulty following these rules?
23. Under the law, a defendant need not testify. If a defendant does not testify, the jury may not consider that fact in any way in reaching a decision as to whether a defendant is guilty or not guilty. Would you have any difficulty following this rule of law?
24. Several witnesses in this case will be law enforcement officers. The testimony of law enforcement officer is not entitled to any greater or lesser weight than that of any other witness. Can you follow this rule of law?
25. Have you or any close friend or relative ever been involved in a criminal case, either as a victim, defendant, witness or attended court for any reason?

26. Have any of you, your close family or friends ever worked, either formally or informally, or applied for employment with, a law enforcement agency? By law enforcement agency I mean organizations such as the New York City Police Department, F.B.I., D.E.A., the District Attorney's Office, the United States Attorney's Office, C.I.A., I.R.S., B.A.T.F., Secret Service, Military Policy, U.S. Customs Office, private security firms and the like?
27. How many of you (or your friends or relatives) have been employed by any prison, jail, department of corrections, probation office, or parole agency?
28. How many of you (or your close friends or relatives) ever worked for either a Federal or local court system in any capacity?
29. Have any of you ever served on a jury in a gun case? Robbery case? Narcotics case? If so:
  - (a) when?
  - (b) Where?
  - (c) What was the verdict?
30. This case will involve testimony or evidence relating to firearms. How many of you feel that because of these charges, it might be difficult for you to sit as a juror.
31. Have you, any family members or friends ever been the victim of a robbery or have had any type of bad experience involving a weapon?
32. Have you or any family member or friend belonged to any kind of anti-gun organization?

If so, which one?
33. Have you or anyone you know ever been shot, accidentally or otherwise?

If so, please explain.
34. Would any feelings that you have about firearms affect your judgment in this case?
35. Is there anything about that experience-whether it involved the lawyers, the judge, the accused, the evidence, or your jury deliberation—that makes you feel that you would have trouble being fair and impartial, or that you believe would make it difficult for you to serve as a juror in this case?

36. How many of you feel that police testimony is more likely to be believable or reliable than testimony by another witness?
37. Would any of you tend to give any greater weight or credibility, no matter how slight, to the testimony of a federal agent or prosecution witness merely because they are employees of, or are testifying behalf of the government?
38. If you had to choose who to believe, a police officer or a witness called by a defendant, how many of you would be more likely to believe the police officer because he is a police officer?
39. How many of you believe that in general police don't make mistakes?
40. Do any of you now, or have you within the past five years, belonged to or participated in any crime prevention groups, such as neighborhood watch organizations or any other crime prevention groups?
41. To reach a verdict, every juror must agree on the verdict. That is, any verdict must be unanimous. In deliberations you must consider the opinions and points of your fellow jurors. In the final analysis, however, you must follow your own conscience and be personally satisfied with any verdict.
42. Would any of you have difficulty expressing your own opinions and thoughts about this case to your fellow jurors?
43. Do any of you feel that you would tend to go along with the majority of jurors even if you did not agree just because you were in the minority?
44. Do you know of any reason, or has anything occurred during this questioning period, that might make you doubtful as to whether you could be a completely fair and impartial juror in this case? If there is, it is now your duty to disclose this.
45. In deciding whether or not you are going to credit the testimony of a witness, would you consider the witness' conduct on the witness stand, the ability and opportunity to observe, any bias or prejudice, and the probability or improbability of the testimony?
46. Do we have your assurance that you will not allow your personal feelings about attorneys to affect your judgment about the innocence or guilt?

Dated: Brooklyn, NY  
April 3, 2008

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Julie A. Clark, Esq.  
Attorney for Defendant  
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TO: CLERK OF THE COURT  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

HON. PAUL A. CROTTY  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

AUSA MICHAEL MAIMAN  
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Southern District of New York  
1 St. Andrew's Plaza  
New York, NY 10007

**CERTIFICATION**

THIS IS TO CERTIFY that on April \_\_\_\_, 2008, a copy of the foregoing thereof  
has been hand delivered to all counsel of record as follows:

AUSA MICHAEL MAIMAN  
Office of the United States Attorney  
Southern District of New York  
1 St. Andrew's Plaza  
New York, NY 10007

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JULIE A. CLARK, ESQ.